

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NANCY JONES,

Petitioner,

v.

DAVID BARON, VICTOR FUERST, METRO
MANAGEMENT DEVELOPMENT, INC.,

Respondents.

NOT FOR PUBLICATION

MEMORANDUM AND ORDER
23-CV-1160 (LDH)

LASHANN DEARCY HALL, United States District Judge:

Nancy Jones (“Petitioner”), proceeding pro se, petitions pursuant to 28 U.S.C. § 2241 for a writ of habeas corpus.

BACKGROUND¹

Petitioner is a shareholder of a co-op managed by Respondents seeking access to certain records including minutes of meetings for year 2022 to present. (Pet. at 6, ECF No. 1.) She also seeks a complete financial ledger for every month in 2022 to present. (*Id.*) Petitioner alleges that she is entitled to these records, but Respondents have ignored her email requests for them. (*Id.*)

DISCUSSION

The Court may consider a petition for a writ of habeas corpus from a person in custody challenging the legality of her detention on the ground that the petitioner “is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). The Court has the authority to review the petition and “award the writ or issue an order directing

¹ The facts herein are those alleged in Jones’s petition, and are assumed to be true for the purposes of this memorandum and order.

the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled” to such relief. 28 U.S.C. § 2243.

Here, Petitioner is not in federal or state custody. Indeed, she does not challenge the constitutionality of any detention at all. Instead, her allegations concern a civil dispute for which the Court cannot provide relief pursuant to § 2241. For this reason, her petition must be dismissed.

CONCLUSION

Petitioner’s petition for a writ of habeas corpus is DISMISSED. A certificate of appealability shall not issue as petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253 (c)(2). Although Petitioner paid the filing fee to commence this action, the Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
November 9, 2023

/s/ LDH
LASHANN DEARCY HALL
United States District Judge